

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMIAH DESHAUN ST CHARLES
HILL,

Plaintiff,

v.

POLICE CHIEF FARRAR,

Defendant.

CASE NO. C13-6022 RBL-JRC

REPORT AND RECOMMENDATION
NOTED FOR:
APRIL 25, 2014

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

The Court recommends dismissal of this action for failure to comply with Court orders and failure to prosecute the action. The authority for the dismissal is Fed. R. Civ. P. 41(b).

Plaintiff filed his action in November of 2013 (Dkt. 1). Plaintiff's motion to proceed in forma pauperis was not filed until late December (Dkt. 4). On December 30, 2013, the Court ordered plaintiff to file an amended complaint (Dkt. 8). Plaintiff failed to respond. In February

1 of 2014, the Court entered an Order directing plaintiff to show cause why the action should not
2 be dismissed (Dkt. 9). Plaintiff again failed to respond.

3 Fed. R. Civ. P. 41 (b) states:

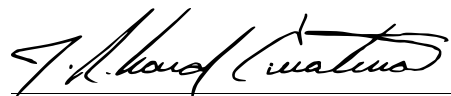
4 If the plaintiff fails to prosecute or to comply with these rules or a court order, a
5 defendant may move to dismiss the action or any claim against it. Unless the
6 dismissal order states otherwise, a dismissal under this subdivision (b) and any
7 dismissal not under this rule--except one for lack of jurisdiction, improper venue,
8 or failure to join a party under Rule 19--operates as an adjudication on the merits.

9 Plaintiff has failed to comply with two Court orders and is not prosecuting this action.

10 The undersigned recommends dismissal of the action with prejudice.

11 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
12 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
13 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
14 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
15 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on April
16 25, 2014, as noted in the caption.

17 Dated this 2nd day of April, 2014.

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19 J. Richard Creatura
20 United States Magistrate Judge
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